



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Sandy -
Final Permit!

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

December 24, 2005

Mr. Normand R. Lamie, P.E.,
General Manager
Auburn Sewerage District
P.O. Box 414
Auburn, ME 04212-0414

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100005
Maine Waste Discharge License (WDL) Application #W000685-5T-D-R
Final Permit/License

Dear Mr. Lamie:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Stuart Rose, DEP/SMRO

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: 764-1507

This permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structure, periodically update the District's CSO Master Plan and annually report progress to eliminate the CSOs.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 18, 2005, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of the AUBURN SEWERAGE DISTRICT to discharge an unspecified quantity of untreated sanitary waste waters combined with storm water runoff from six (6) CSOs to the Androscoggin and Little Androscoggin Rivers, both Class C, in Auburn Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2001, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28TH DAY OF DECEMBER, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

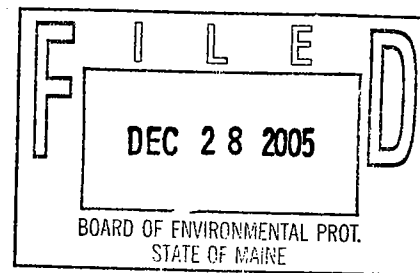
BY: [Signature]
David Littel, Acting Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application October 26, 2005

Date of application acceptance October 28, 2005

Date filed with Board of Environmental Protection _____



This order prepared by Gregg Wood, Bureau of Land and Water Quality.

W06855TD

12/23/05

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO)

1. Pursuant to Chapter 570 of Department Rules (Combined Sewer Overflow Abatement), the permittee is authorized to discharge combined storm water and sanitary waste water from the following CSO subject to the conditions and requirements contained herein:

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Class</u>
001	Riverside Drive	Androscoggin River Class C
002	Newbury St.	Little Androscoggin River Class C
003	Washington St.	Little Androscoggin River Class C
004	Dunn St.	Androscoggin River Class C
005	Miller St.	Androscoggin River Class C
006	Turner and Troy	Androscoggin River Class C

2. Prohibited Discharges

- a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.
- b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
- c) No discharges shall occur at flow rates below the maximum design capacity of the wastewater treatment facility, pumping stations or sewerage system.

3. Narrative Effluent Limitations

- a) The effluent shall not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.
- b) The effluent shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.
- c) The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

6. CSO Compliance Monitoring Program (see Section 6 Chapter 570 of Department Rules)

The permittee shall conduct flow monitoring according to a Department approved *Compliance Monitoring Program* on all outfalls, as part of the CSO Master Plan.

Results shall be submitted annually as part of the annual CSO Progress Report (see below), and shall include annual precipitation, and actual CSO volumes. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department on form "*CSO Activity and Volumes*" (Attachment A of this permit) or similar format and submitted to the Department on diskette.

CSO control projects that have been completed shall be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

7. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department Rules)

By March 1 of each year, (PCS Code 11099) the permittee shall submit *CSO Progress Reports* covering the previous calendar year (January 1 to December 31). The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

The CSO Progress Reports shall be completed on a standard form entitled "Annual CSO Progress Report", furnished by the Department, and submitted in electronic form, if possible, to the following address:

CSO Coordinator
Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333
e-mail: CSOCoordinator@maine.gov

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

8. Signs

The permittee shall maintain an identification sign at the CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. The sign shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

**AUBURN SEWERAGE DISTRICT
WET WEATHER
SEWAGE DISCHARGE
OUTFALL NAME AND NUMBER**

9. Definitions

For the purposes of this permit, the following terms are defined as follows:

- a. Combined Sewer Overflow - a discharge of excess waste water from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.
- b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.
- c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from outfalls cited in Special Condition A(1) of this permit. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

SPECIAL CONDITIONS

C. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of test results required by this permit, new site specific information or any other pertinent information gathered during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

D. SEVERABILITY

In the event that any provision, or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: November 18, 2005

PERMIT NUMBER: **ME0100005**

LICENSE NUMBER: **W000685-5T-D-R**

NAME AND ADDRESS OF APPLICANT:

**Auburn Sewerage District
P.O Box 414
Auburn, ME 04212-0414**

NAME AND ADDRESS WHERE DISCHARGE OCCURS AT:

Six (6) Combined Sewer Overflows

RECEIVING WATER/CLASSIFICATION: **Androscoggin & Little Androscoggin
Rivers/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Normand Lamie
General Manager
(207) 784-6469
Email: nlamie@awsd.org**

1. APPLICATION SUMMARY

The permittee has applied for renewal of Waste Discharge License (WDL) #W000685-5T-C-R, issued by the Department on December 8, 2000 and is due to expire on December 8, 2005. The permittee is seeking authorization to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from six (6) combined sewer overflow structures. Two (2) of the CSOs discharge to the Little Androscoggin River and four (4) of the CSOs discharge to the Androscoggin River, both classified as Class C waterbodies in Auburn, Maine.

2. PERMIT SUMMARY

- a. Regulatory: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but two tribally-owned discharges. The extent of Maine's delegated authority is under appeal at the time of this permitting action. Since inception, the permitting program in Maine has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0100005 (same as the NPDES permit number) will be utilized as the primary reference number for the District's MEPDES permit.
- b. Terms and Conditions: This permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structures, periodically update the District's CSO Master Plan and annually report progress to eliminate the CSO. See Attachment A of the permit.
- c. Source Description – The Auburn Sewerage District (ASD) has an existing sanitary sewer collection system consisting of approximately 130 miles of piping and 23 pump stations. The collection system conveys sanitary waste waters generated by residential and commercial entities within the District's boundaries to the Lewiston-Auburn Water Pollution Control Authority (LAWPCA) waste water treatment facility. Discharges from the LAWPCA facility are regulated by this Department via MEPDES permit #ME0101478. Seven of the pump stations associated with the District's collection system are equipped with on-site back-up power in the event of a power failure and 16 of the pump stations are serviced by portable generators. . The collection system has six CSO outfalls as follows:

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Class</u>
001	Riverside Drive	Androscoggin River Class C
002	Newbury St.	Little Androscoggin River Class C
003	Washington St.	Little Androscoggin River Class C
004	Dunn St.	Androscoggin River Class C
005	Miller St.	Androscoggin River Class C
006	Turner and Troy	Androscoggin River Class C

The 10/26/05 application for permit/license renewal that during the previous five-year period, the ASD has spent approximately \$6.6 million in sewer separation projects resulting in the separation of 9.6 miles of new sewer mains and the elimination of two CSOs, CSO Outfall #008 – Hutchins Street and CSO Outfall #009 – Brook Street. As a result, the ASD reports that annual volumes of discharges during wet weather events has been reduced from 102 million gallons in calendar year 2000 to less than 7 million gallons in calendar year 2004. The ASD anticipates the elimination of two additional CSOs (CSO Outfall #005 – Miller Street and CSO Outfall #002 – Newbury Street) within the five-year term of this permitting action. See Attachment A of this Fact Sheet.

2. PERMIT SUMMARY (cont'd)

- d. History – The most recent regulatory actions include the following:

October 26, 2005 – The ASD submitted an application to the Department to renew the WDL last issued by the Department on 12/8/00.

February 7, 2001 – The Department formally approved the ASD's CSO Master Plan entitled, Auburn Sewer District and City of Lewiston Clean Water Act Master Plan, dated October 2000.

December 8, 2000 – The Department issued WDL renewal # W000685-5T-C-R for a five-year term.

November 9, 2000 - The Department issued a letter approving five year CSO abatement project schedules for Lewiston and ASD, including a submission date for a CSO Master Plan update.

September 29, 2000 - The City of Lewiston submitted its proposed detailed five-year schedule of sewer separation projects.

July 17, 2000 - The ASD submitted its proposed detailed five year schedule of sewer separation projects.

April 20, 2000 - With the EPA's concurrence, the Department issued a letter to the City of Lewiston, the Auburn Sewerage District (ASD) and the Lewiston-Auburn Water Pollution Control Authority (LAWPCA), stating that there was agreement between all parties on a fifteen year schedule of sewer separation (actually to be completed by 2014), with an update of the CSO Master Plan in five years.

April 18, 2000 - The ASD submitted a letter to the Department that included a summary of improvements in 1999, a proposed CSO Master Plan Funding Schedule from 1997 to 2014, and five year Capital Improvements Plans for ASD and the City of Auburn.

February 29, 2000 - The ASD submitted its 1999 CSO Progress report that stated that four CSOs have been removed to date: CSO 010, Mill St. to Little Androscoggin; CSO 011, High St. to Little Androscoggin, and; CSO 007, Center St. to Androscoggin. Regarding CSO 004, Dunn St. to Androscoggin, the regulator device for 004 was relocated to Seventh Street on 2/2/96.

2. PERMIT SUMMARY (cont'd)

February 9, 2000 - The City of Lewiston and ASD submitted responses to comments on the CSO Master Plan by the Department and EPA.

May 25, 1999 - Department personnel from the Bureau of Land & Water Quality's Division of Engineering and Technical Assistance met with ASD, Lewiston and Metcalf and Eddy (M&E) to clarify the Department's comments of April 16.

July 25, 1997 - The City of Lewiston submitted its Nine Minimum Control (NMC) documentation to the Department and EPA.

January 24, 1997 - The ASD submitted its NMC documentation to the Department and EPA.

July 1, 1996 - M&E submitted the CSO Master Plan to the Department and EPA.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Pursuant to Maine law, 38 M.R.S.A. §467(1)(A)(2), from the confluence with the Ellis River (Rumford) to the confluence with Merrymeeting Bay in Brunswick, the Androscoggin River is classified as a Class C waterbody. river above and below the IP mill is classified as a Class C waterway. Maine law 38 M.R.S.A. §465(4) contains the classification standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

A document entitled *The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report*, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the segment of the Androscoggin River at Lewiston-Auburn including Jepson Brook, Hart Brook and Gully Brook (assessment unit ME0104000210) in a section of the report entitled *Category 4-B-2: Rivers and Streams Impaired by Bacteria from Combined Sewer Overflows (TMDL Required Only If Control Plans Insufficient)*. The assessment report indicates there are 37 CSO's within this segment of the river, 30 associated

5. RECEIVING WATER QUALITY CONDITIONS

with the City of Lewiston's collection system and 7 associated with the Auburn Sewerage's District collection system. It is noted the report is in error as there are only six remaining CSOs associated with the ASD collection system. The Department has tentatively established calendar year 2017 for the TMDL if non-attainment of bacteria standards persists.

The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report, lists the segments of the Androscoggin River main stem from the confluence of the Nezinscot River to the confluence with the Little Androscoggin River (assessment unit ME0104000208 – 15.5 miles) and the main stem from the confluence with the Little Androscoggin River to the Brunswick Dam (assessment unit ME0104000210 – 22.2 miles) in a section of the report entitled *Category 4-B-1: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment*. Impairment in this context refers to a fish consumption advisory due to the presence of dioxin. The "*Pollution Control Requirements Reasonably Expected to Result in Attainment*", refers to the conversion to elemental chlorine free (ECF) bleaching technology in the mid-1990's at each of the three upstream kraft mills (Fraser Paper NH LLC in Berlin/Gorham, N.H., Rumford Paper Company in Rumford, ME. and International Paper in Jay, ME.)

It is noted on May 3, 2005, the Department presented a report to the Natural Resources Committee of the Maine Legislature reporting on the status of each mill's regarding the "above/below" test. In the report, the Department made the determination dioxin levels in the fish tissue from fish collected above and below the IP and Rumford Paper Company mills, though detectable, were not statistically different. As a result, the Department made the determination that both the IP and Rumford Paper Company mills are in compliance with Maine law 38 M.R.S.A., §420(2)(I)(3).

In addition, the 2004 assessment report lists all freshwaters in Maine as "*Category 5-C: Waters Impaired by Atmospheric Deposition*." Impairment in this context refers to the designated use of recreational fishing due to elevated levels of mercury in some fish caused by atmospheric deposition. As a result, the State has established a fish consumption advisory for all freshwaters in Maine.

The Department is not aware of any information that indicates the intermittent discharges from the CSOs owned by the ASD are causing or contributing to the continuance of the fish consumption advisory.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

No limitations were established in the previous licensing action nor are there any established in this licensing action. However, in April, 1994, the EPA adopted a National Combined Sewer Overflow Control Policy that strives to: 1) Accurately characterize collection systems through sampling, monitoring and modeling; 2) Implement best management practices as described in its Nine Minimum Controls Strategy and 3) Develop and implement a long term control plan.

The District is currently addressing the National Policy by: 1) characterizing the discharge through the installation of flow monitoring equipment to monitor the overflows; and 2) has completed the development of a CSO Master Plan entitled, Auburn Sewer District and City of Lewiston Clean Water Act Master Plan, dated October 2000. The Master Plan was approved by the Department on February 7, 2001. and taken quantifiable measures to abate or eliminate the overflows.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY:

As permitted, the Department has determined the existing water uses will be maintained and protected. The Department acknowledges that total elimination of the CSO's is a costly long term project. With the implementation of the CSO Master Plan and Nine Minimum Controls, the Department anticipates a significant reduction in CSO discharge events and improvements in the water quality in the Androscoggin River, the Little Androscoggin River affected by the CSO discharges.

8. PUBLIC COMMENTS

Public notice of this application was made in the Lewiston Sun Journal newspaper on or about October 19, 2005. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Email: gregg.wood@maine.gov
Telephone (207) 287-7693

10. RESPONSE TO COMMENTS

During the period of November 19, 2005 through the date of issuance of this permit, the Department solicited comments on the proposed draft MEPDES permit/WDL for the discharge from the Auburn Sewerage District's combined sewer overflow discharges. The Department did not receive comments from the permittee, state or federal agencies, or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.